

# IMMIGRATION BASICS

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# WHO IS A U.S. CITIZEN?

Ryan Gosling

Ryan Gosling is a Canadian citizen born in London, Ontario.



# WHO IS A U.S. CITIZEN?

Marc Anthony

Singer Marc Anthony performed “God Bless America” at the 2013 MLB All-Star game. Some fans were upset that a “Mexican” was chosen to sing the patriotic song. Marc Anthony was born and raised in New York.



# WHO IS A U.S. CITIZEN?

Natalie Portman

She was born Natalie Herslag in Jerusalem, Israel. Her mother is a U.S. citizen and her father is an Israeli citizen. She has dual citizenship from the United States and Israel.



# WHO IS A U.S. CITIZEN?

## Keanu Reeves

Keanu Reeves was born in Beirut, Lebanon in 1964, the son of English-born mother and American-born father. Reeves is a U.S. citizen through his American father and also holds Canadian citizenship by naturalization; he grew up as a Canadian and identifies as such. He is also entitled to British citizenship through his English mother.



# U.S. CITIZENS AND NON-CITIZENS

- ◉ USCs can't be excluded or deported/removed from the United States
- ◉ All persons who are not U.S. citizens are non-citizens
- ◉ Non-citizens can be refused admission to or deported from the U.S. Categories include:
  - Lawful permanent residents
  - Temporary visa holders (diplomats, tourists, students, athletes, performers, temporary workers, etc.)
  - Persons in the U.S. by administrative grace, including asylees and refugees
  - Persons in the U.S. without authorization

# U.S. CITIZENSHIP - HOW ACQUIRED

- ◉ By birth in the U. S.
- ◉ By naturalization
- ◉ Automatically acquired by statute
  - At birth - by birth abroad to U.S. parent or parents
  - Derivative, during childhood - upon naturalization of parent(s)

A simple way to take  
measure of a country is to  
look at how many want in.  
And how many want out.  
- Tony Blair





# U.S. POPULATION

314,159,265

- 2:29 p.m. on Tuesday, August 14, 2012
- Pi ( $\pi$ ) times 100 million
- [U.S. Census Bureau's Population Clock](#)



# NATION OF IMMIGRANTS



Statue of Liberty and Ellis Island



# MIGRATION NUMBERS

## ◎ 1905

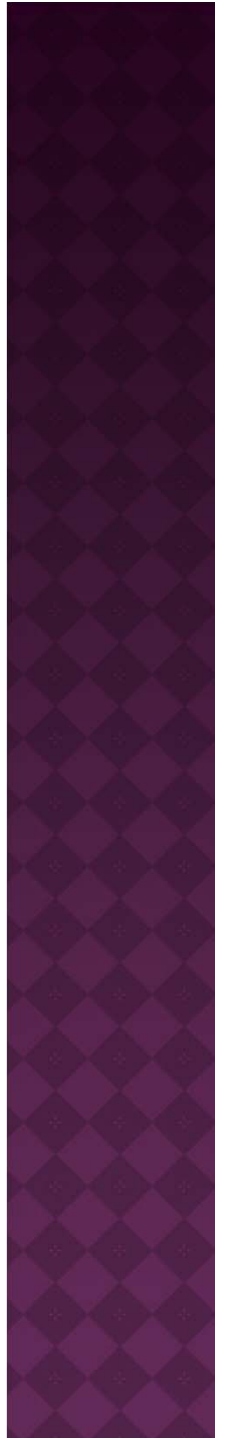
- 1,026,499 Legal Permanent Residents

## ◎ 2003

- 703,542 Legal Permanent Residents
- 180,500,000 Nonimmigrant admissions

## ◎ 2011

- 1,062,040 Legal Permanent Residents
- 158,500,000 Nonimmigrant admissions



# NATION OF IMMIGRANTS

**“Looking Backward”**

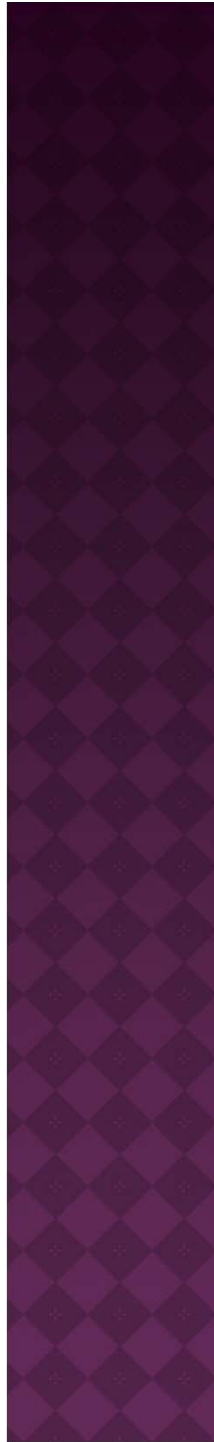
**J. Keppler, *Puck* magazine, 1893**



Text on bottom reads: “They would close to the new-comer the bridge that carried their fathers over.”

# EXCLUDING UNDESIRABLES

public  
changed origin  
charge insane country  
diseases Polygamists  
feeble-minded Likely  
Quotas  
Criminals  
national Chinese certain  
become Anarchists  
Paupers



# GROUNDS OF INADMISSIBILITY

1. Health condition that poses a threat to others, e.g. TB
2. Criminal reasons
3. National security reasons
4. Foreign policy reasons
5. Public charge
6. Present without admission or parole
7. Fraud or misrepresentation
8. False claim to U.S. citizenship
9. Smugglers



# GROUNDS OF INADMISSIBILITY

10. Failure to possess valid visa or entry document
11. Failure to possess passport that is valid for a minimum of six months
12. Previously removed from the United States, inadmissible for ten years
13. Unlawfully present for more than 180 days and then departed from the United States, inadmissible for three years
14. Unlawfully present for more than a year or ordered removed, inadmissible for ten years
15. Practicing polygamists
16. International child abductors





# Sources of Laws



“establish an uniform Rule of Naturalization”



Legislative  
Immigration &  
Nationality  
Act



Judicial  
Cases



Executive  
Regulations  
BIA Decisions  
Agency Policies  
& Guidance  
Executive  
Orders



# Key Players

Appeals go to the Federal Court of Appeals or U.S. District Court



USCIS  
ICE  
CBP

EOIR  
BIA  
Immigration  
Court  
  
OIL

U.S.  
Embassies  
U.S.  
Consulates



# DEFINITIONS

- ◉ Noncitizen
- ◉ US Citizen
- ◉ Immigrant
- ◉ Nonimmigrant
- ◉ Lawful Permanent Resident
- ◉ Undocumented
- ◉ Naturalization
- ◉ Visa
- ◉ Inadmissibility
- ◉ Removal
- ◉ Removal Proceedings (Formerly Called Exclusion and Deportation)



# THE VISA ALPHABET

- ◉ A visas: Ambassadors and Diplomats
- ◉ B visas: Visitors for Business or Pleasure
- ◉ E visas: Traders and Investors
- ◉ F visas: Students
- ◉ G visas: International Orgs and NATO
- ◉ H visas: Temporary Employees
- ◉ I visas: Journalists and Media Workers
- ◉ J visas: Exchange Visitors
- ◉ K visas: Fiance(e)s
- ◉ L visas: Intercompany Transferees
- ◉ M visas: Non-academic Students
- ◉ O visas: Extraordinary Ability “Superstars”
- ◉ Q visas: International Cultural Exchange Visitor
- ◉ R visas: Religious Workers
- ◉ S visas: Informant/“Snitch” visas
- ◉ T visas: Trafficking victims
- ◉ U visas: Crime victims
- ◉ VAWA: Domestic Violence victims.



# VISA WAIVER PROGRAM

- ◉ Citizens of 38 countries (as of 2014) do not need visa if
  - ◉ Visit the U.S. for tourism & certain business activities for
  - ◉ no more than 90 day
- ◉ Trade-off
  - ◉ Extensions of stay are available only in the most extreme circumstances
  - ◉ Waives the right to a removal hearing before an Immigration Court
  - ◉ If had a U.S. visa before or previously traveled to the United States under the VWP, must have complied with the conditions of previous admission
  - ◉ Must not have previously been found ineligible for a U.S. visa
- ◉ Apply through the Electronic System for Travel Authorization (ESTA) prior to boarding a U.S. bound air or sea carrier



# TWO-STEP PROCESS OF GETTING GREEN CARD

Step 1 - Qualifying Relationship or Circumstances	Step 2 - Applying for green card (Legal Permanent Residence)
Petition to show you have a qualifying relationship	Must meet the requirements to get a green card
Get priority date	Adjustment of Status (Inside U.S.)
	Consular Processing (Outside U.S.)
Many undocumented people often have a qualifying relationship and are able to get an approval for this step but cannot get approval for step 2	Must show admissible Must not have <ul style="list-style-type: none"> <li>•Committed certain immigration violations</li> <li>•Committed certain crimes</li> <li>•Certain contagious diseases</li> </ul>
	Problem of 3 or 10 year bar



# PRIMARY PATH TO LPR STATUS

- Family-based Immigration
- Employment-based Immigration
- Refugee/Asylee
- Special Legislation
- Diversity Lottery
- Other highly specialized visas
- Religious workers, investors, individuals with extraordinary abilities, etc.



# SPECIAL OPTIONS

- ◉ Special Immigrant Juveniles
- ◉ Conditional Residence Waiver
- ◉ VAWA Self-petitioning & Cancellation
- ◉ U & T Visas
- ◉ Self-petitioning for parents of US citizens





# IMMIGRATION ENFORCEMENT

- Only enough resources to remove 400,000 people per year (438,000 removed in 2013)
- Removal Priorities
  1. Threats to national security, border security, and public safety
  2. Misdemeanants and new immigration violators
  3. Those who have been issued a final order of removal on or after January 1, 2014
- Prosecutorial Discretion and Deferred Action Status for Childhood Arrivals (DACA)

# DACA - DEFERRED ACTION FOR CHILDHOOD ARRIVALS

- Came to the US before reaching 16th birthday
- Has continuously resided in the US since June 15, 2007 (1/1/10), up to the present time
- Physically present in US on 6/15/12 (11/20/14) and time of filing
- ~~Was under the age of 31 as of June 15, 2012~~
- Entered without inspection before June 15, 2012 (11/20/14), or his/her lawful immigration status expired as of June 15, 2012 (11/20/14)
- Is in school, has graduated, has GED or has been honorably discharged from the military

# DAPA - DEFERRED ACTION FOR PARENTAL ACCOUNTABILITY

- Parent of USC or LPR child born before 11/20/2014
- Person has continuously resided in the United States since 1/1/2010, up to the present time
- Person was physically present in US on 11/20/2014 and at the time of filing
- Person entered without inspection before 11/20/2014, or his/her lawful immigration status expired as of 11/20/2014



# QUESTIONS?

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